



April 2, 2003

ENGROSSED SENATE BILL No. 57

DIGEST OF SB 57 (Updated April 1, 2003 5:49 PM - DI 77)

Citations Affected: IC 12-10; noncode.

Synopsis: FSSA. Provides for a penalty for housing with services establishments that do not comply with the disclosure requirements. Requires the legislative evaluation and oversight policy subcommittee to direct staff in performing an audit of the organizational structure of the office of the secretary of family and social services (office) in 2003. Requires the office to cooperate with the subcommittee and provide specified information for the study. Requires the chairman of the legislative council to appoint a committee in 2004 to perform specified duties. (The introduced version of this bill was prepared by the health finance commission.)

Effective: July 1, 2003.

Server, Simpson, Young R

(HOUSE SPONSORS — BROWN C, BECKER)

January 7, 2003, read first time and referred to Committee on Health and Provider Services.

January 15, 2003, reported favorably — Do Pass.

January 21, 2003, read second time, ordered engrossed.

January 22, 2003, engrossed.

January 23, 2003, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Public Health.

April 1, 2003, amended, reported — Do Pass.

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ES 57—LS 6082/DI 104+



April 2, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 57

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-10-15-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The director
3 shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

4 (b) The director shall adopt rules concerning the following:

5 (1) Procedures for the posting of notices at housing with
6 services establishments, area agencies on aging, and centers
7 for independent living (as defined by IC 12-12-8-1) that advise
8 residents of their rights under this chapter.

9 (2) Procedures for residents and their representatives to file
10 complaints with the director concerning violations of this
11 chapter.

12 SECTION 2. IC 12-10-15-15 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) The director shall enforce
15 this chapter.

16 (b) The director may impose a penalty of not less than one
17 hundred dollars (\$100) but not more than one thousand dollars

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1 (\$1,000) for each day of violation of this chapter. However, the
2 total penalty for each violation may not exceed ten thousand
3 dollars (\$10,000).

4 (c) If the director determines that a housing with services
5 establishment has had substantial and repeated violations of this
6 chapter, the director may prohibit a housing with services
7 establishment from using the term "assisted living" to describe the
8 housing with services establishment's services and operations to the
9 public.

10 (d) If the director determines that an operator or administrator
11 of a housing with services establishment has intentionally violated
12 this chapter or has made fraudulent and material
13 misrepresentations to a resident, the director may request the
14 attorney general to investigate and take appropriate action against
15 the operator or administrator.

16 (e) Penalties collected under this section shall be deposited in the
17 state general fund.

18 SECTION 3. [EFFECTIVE JULY 1, 2003] (a) As used in this
19 SECTION, "committee" refers to a committee appointed by the
20 chairman of the legislative council under IC 2-5-21-10(a).

21 (b) As used in this SECTION, "subcommittee" refers to the
22 legislative evaluation and oversight policy subcommittee
23 established by IC 2-5-21-6.

24 (c) Notwithstanding IC 2-5-21-10(c), beginning in 2003, the
25 subcommittee shall direct the staff in performing an audit of the
26 organizational structure of the office of the secretary of family and
27 social services established by IC 12-8-1-1 (referred to in this
28 SECTION as "the office") and the office's relationship with other
29 agencies that provide health and human services programs.

30 (d) The office shall cooperate with the subcommittee and the
31 subcommittee's staff, including providing the subcommittee with
32 information pertaining to the structure of the office. The office
33 shall provide the subcommittee with the following information:

34 (1) The organizational structure of the office, including the
35 office's line of command and the number of employees.

36 (2) A description of the interaction of programs within the
37 office.

38 (3) A description of the interaction of programs that are
39 operated by the office in conjunction with another state
40 agency.

41 (4) Concerning contracted services between the office and
42 another entity after June 30, 2000:



- 1 (A) a list of contractors;
2 (B) a copy of the contract, if any; and
3 (C) contract expenditures.
4 (5) A description of the communication channel used within
5 the office.
6 (6) Any information described in IC 2-5-21-13.
7 (7) Any other information the subcommittee determines is
8 relevant for the study under this SECTION.
9 (e) Beginning in 2004, the chairman of the legislative council
10 shall appoint a committee under IC 2-5-21-10(a) to perform the
11 duties described in IC 2-5-21-14.
12 (f) This SECTION expires December 31, 2005.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 57, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 57 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Simpson be added as second author and Senator Young R be added as coauthor of Senate Bill 57.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 57, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-10-15-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. **(a)** The director shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

(b) The director shall adopt rules concerning the following:

(1) Procedures for the posting of notices at housing with services establishments, area agencies on aging, and centers for independent living (as defined by IC 12-12-8-1) that advise residents of their rights under this chapter.

(2) Procedures for residents and their representatives to file complaints with the director concerning violations of this chapter.

SECTION 2. IC 12-10-15-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. **(a) The director shall enforce this chapter.**

(b) The director may impose a penalty of not less than one hundred dollars (\$100) but not more than one thousand dollars (\$1,000) for each day of violation of this chapter. However, the total penalty for each violation may not exceed ten thousand dollars (\$10,000).

(c) If the director determines that a housing with services establishment has had substantial and repeated violations of this chapter, the director may prohibit a housing with services establishment from using the term "assisted living" to describe the housing with services establishment's services and operations to the public.

(d) If the director determines that an operator or administrator of a housing with services establishment has intentionally violated this chapter or has made fraudulent and material misrepresentations to a resident, the director may request the attorney general to investigate and take appropriate action against the operator or administrator.

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(e) Penalties collected under this section shall be deposited in the state general fund."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 57 as printed January 16, 2003.)

BROWN C, Chair

Committee Vote: yeas 11, nays 0.

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